

## **MINUTES**

**CITY OF IMPERIAL BEACH  
CITY COUNCIL  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY  
HOUSING AUTHORITY  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**DECEMBER 2, 2015**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

### **CLOSED SESSION MEETING CALL TO ORDER**

Mayor Dedina called the Closed Session Meeting to order at 5:27 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers Present:	Patton, Bragg, Spriggs
Councilmembers Absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Bilbray
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald

### **CLOSED SESSION**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

#### **1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Properties: 761, 771, 781, 791, 801, and 881 Palm Ave., Imperial Beach, CA 91932

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

**MOTION CARRIED UNANIMOUSLY.**

### **ADJOURN CLOSED SESSION**

Mayor Dedina adjourned the meeting to Closed Session at 5:28 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Closed Session Item No. 1, City Council gave direction and no reportable action was taken.

### **REGULAR MEETING CALL TO ORDER**

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers Present:	Patton, Bragg, Spriggs
Councilmembers Absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Bilbray
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Fire Chief French, Public Works Director Levien, Administrative Services Director Bradley

### **PLEDGE OF ALLEGIANCE**

Kadisha Kontente, a 6th grade student from Mendoza School, led the Pledge of Allegiance.

Mayor Dedina asked for a moment of silence for the victims of the San Bernardino tragedy.

### **AGENDA CHANGES**

None.

### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

Councilmember Patton reported on his attendance at the SANDAG Board meeting and he spoke about his discussions with the Director of Caltrans regarding traffic on SR75 going into Coronado.

Councilmember Bragg stated she was honored to represent the City at the sinking of the Uribe off the coast of the City of Rosarito. She announced the following events: the Chamber of Commerce Christmas Comes to I.B., the Navy Dinner for seniors, and the I.B. Methodist Church Posada. She reported over one thousand seniors and children were fed at the 20<sup>th</sup> Annual Feed the Kids event and over 250 food baskets were given out by the Latter Rain Ministries. She encouraged everyone to donate extra food to local community food banks and pantries.

Councilmember Spriggs reported on his attendance at a presentation by I.B. Resorts on the proposed hotel at Imperial Beach Blvd. and Seacoast Dr. and he asked staff to post project information on the City's website.

Mayor Dedina reported the Borders Committee will be meeting with legislative officials on strategies for dealing with beach closures. He noted that in a Mexican newspaper, Imperial Beach was cited as a model for El Niño and coastal flooding planning.

### **COMMUNICATIONS FROM CITY STAFF**

City Manager Hall showed a video of the Bayshore Bikeway at Pond 10A during a King Tide event.

Mayor Dedina encouraged the community to help monitor King Tide events by hash tagging photos with #Kingtide and #IBKingtides.

### **PUBLIC COMMENT**

None.

### **PRESENTATIONS (1.1-1.2)**

#### **1.1 PRESENTATION OF CERTIFICATES TO 2015 FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)**

Public Safety Director French introduced the item.

Engineer Paramedic Moe reported on the 2nd Grade Fire Prevention program noting the theme was "Hear the Beep While You Sleep" to promote working fire detectors. She presented certificates to the following winners:

Isabelle Baker  
Bayside Elementary  
Teacher: Mrs. Filippini

Chase Collin  
Imperial Beach Charter School  
Teacher: Mrs. Hill

Keirah Devine  
Oneonta Elementary  
Teacher: Ms. Palmer

Jazmine Bovain  
Central Elementary  
Teacher: Mr. Prunty

## **1.2 EL NIÑO UPDATE. (0210-90)**

Public Safety Director French introduced the item and reminded everyone to register cell phones on [www.alertsandiego.org](http://www.alertsandiego.org).

Vanessa Garcia, Public Affairs Manager for SDG&E, reported on SDG&E's preparation for El Niño.

## **CONSENT CALENDAR (2.1-2.8)**

### **MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.8. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 MINUTES. (0300-25)**

The City Council approved the Regular Meeting Minutes of October 21, 2015 and the Special Workshop Meeting Minutes of November 17, 2015.

#### **2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 87662 through 87713 and EFT #'s 105-110 for a subtotal amount of \$105,332.21 and Payroll Checks/Direct Deposits 46796 through 46829 for a subtotal amount of \$308,917.47 for a total amount of \$414,249.68.

#### **2.3 RESOLUTION NO. 2015-7651 APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS FOR THE YEAR 2016. (0410-05)**

The City Council adopted Resolution No. 2015-7651 approving the calendar and setting the time for regular City Council meetings for the year 2016.

#### **2.4 ADOPTION OF RESOLUTION NUMBER 2015-7650 ACCEPTING THE 2014 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) ALLOCATION OF \$19,954.00 IN THE FORM OF REIMBURSEMENT TOWARD THE PURCHASE OF FOUR (4) SELF CONTAINED BREATHING APPARATUS (SCBA) FOR THE FIRE-RESCUE DEPARTMENT. (0390-88)**

Adopted resolution.

#### **2.5 RESOLUTION NO. 2015-7654 APPROVING A TEMPORARY LEASE OF 10<sup>th</sup> STREET & CHERRY AVENUE PUBLIC PARKING LOT TO "DW CONSTRUCTION, INC." (0910-30)**

Adopted resolution.

#### **2.6 VACATION OF LANDSCAPE EASEMENT AT 221-225 PALM AVENUE (APNs 625-201-03-00 AND 625-201-04-00). MF 779. (0600-20)**

The City Council approved Resolution 2015-7652 summarily vacating a three-foot landscape easement along the northern property line at 221-225 Palm Avenue.

#### **2.7 FINAL MAP (TM 090016) FOR A MIXED-USE PROJECT AT 221-225 PALM AVENUE (APNs 625-201-03-00 AND 625-201-04-00). MF 779. (0600-20)**

The City Council approved the final map for the project located at 221-225 Palm Avenue (MF 779) proposed by the applicant.

#### **2.8 ADOPTION OF RESOLUTION NO. 2015-7655 AUTHORIZING RETENTION STIPENDS FOR NON-DEPARTMENT HEAD LEVEL EMPLOYEES. (0520-60)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 INTRODUCTION OF ORDINANCE 2015-1154, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 4.60.010 OF CHAPTER 4.60 “MEDICAL MARIJUANA DISTRIBUTION FACILITIES” RELATED TO THE CULTIVATION OF MEDICAL MARIJUANA. (0610-95)**

City Attorney Lyon reported on the item and noted the City must have explicit regulations related to commercial cultivation before March 1, 2016 or else the State will become the sole licensing authority and regulator of commercial cultivation issues in the City.

City Clerk Hald read the title of Ordinance No. 2015-1154 “An Ordinance of the City Council of the City of Imperial Beach, California amending Section 4.60.010 of Chapter 4.60 “Medical Marijuana Distribution Facilities” related to the cultivation of medical marijuana.”

**MOTION BY BILBRAY, SECOND BY BRAGG, TO INTRODUCE ORDINANCE NO. 2015-1154 BY TITLE ONLY, WAIVE THE READING OF THE ENTIRE ORDINANCE AND SCHEDULE THE SECOND READING AND ADOPTION OF THE ORDINANCE ON JANUARY 20, 2016. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (4)**

None.

**REPORTS (5.1-5.3)**

**5.1 ADOPTION OF RESOLUTION NO. 2015-7653 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT FOR FY15, APPROVING THE BUDGET FOR FY16, AND IDENTIFICATION OF A DATE TO CONDUCT A PUBLIC HEARING TO CONSIDER LEVYING AN ASSESSMENT FOR FY16. (465-20)**

A corrected Resolution No. 2015-7653 was provided as Last Minute Agenda Information.

City Manager Hall introduced the item.

Mike Osbourne, Chamber of Commerce President, gave a PowerPoint presentation summarizing the 2014-2015 Business Improvement District (BID) activities.

Jim Michelson, Chamber of Commerce Treasurer, reported on the 2015-2016 BID budget.

Joanne Barrows, BID Chairperson, reported on the future plans for the BID.

Councilmember Patton expressed appreciation for their dedicated efforts in moving forward.

In response to Councilmember Spriggs question regarding City Council’s role in approving the BID budget, City Attorney Lyon stated both the law that set up the BID and the agreement with the Chamber of Commerce/BID do not impose a fiduciary duty on City Council’s review of the budget but it does provide for the City Council to have an annual ministerial review with the opportunity to suggest modifications. She also stated the City Council does not get involved in the day to day specifics of the BID and the BID budget should propose spending money on functions that the BID was originally created for.

Councilmember Spriggs stated that in light of a recent situation that occurred at the Chamber of Commerce, he stressed the importance of making it clear that the role of City Council is to only oversee the transfer of BID funds.

City Manager Hall reported staff reviewed the BID budget with representatives from the Chamber of Commerce/BID to ensure the proposed budget items are consistent with the functions that the funds can be spent on. Staff requested a more thorough audit given the Chamber’s previous circumstances. He noted that based on an independent audit, the BID funds received a clean audit and the funds were spent according to the budget.

Councilmember Bragg appreciated the efforts of the Chamber of Commerce and BID representatives. She commented on the missing BID minutes of May 27 and 28, 2015 and she was pleased with the BID and Chamber of Commerce for getting back to what they are supposed to do. She congratulated them on next year's 20<sup>th</sup> Anniversary of the BID.

Mayor Dedina also expressed appreciation for the efforts of the Chamber of Commerce and BID representatives. He was hopeful that there will not be any findings in next year's audit and he noted that the Chamber of Commerce is becoming diverse and growing.

City Manager Hall stated that without dissension of the City Council, staff would provide the BID with the funding that was placed on hold.

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT CORRECTED RESOLUTION NO. 2015-7653 AND DIRECT THE CITY CLERK TO TAKE THE NECESSARY ACTIONS TO HOLD A PUBLIC HEARING ON JANUARY 20, 2016 TO CONSIDER ADOPTION OF THE ANNUAL LEVY FOR THE BUSINESS IMPROVEMENT DISTRICT. MOTION CARRIED UNANIMOUSLY.**

## **5.2 FISCAL YEAR 2015 AUDIT. (0310-10)**

Administrative Services Director Bradley gave a PowerPoint presentation on the item. He stated there will be a future discussion on the CalPERS unfunded liability. He thanked and recognized City and Administrative Services staff for their efforts in helping with the audit. In response to questions of Councilmember Spriggs, he stated CalPERS has a more flexible investment strategy than the City and they have received approximately 7.5% on average for the past two years. With regard to Councilmember Spriggs' desire to address limited resources and ever-increasing costs by doing long term financial modeling, Administrative Services Director Bradley stated he has knowledge of modeling and can put together the information for a future meeting.

With potential damage to the sewer lines from sea level rise, King Tides, storm surge and incursion of salt, Councilmember Spriggs expressed concern about the impacts to the Sewer Capital Fund account and the need to do rate restructuring. He questioned what the contingency plan is until there is a rate increase.

Administrative Services Director Bradley stated sewer funds are historically difficult to manage financially and noted there is \$2.3 million in the account.

City Manager Hall added there has been limited growth in revenues as a result of the incremental increase in sewer rates of 1.5% a year. He stated the sewer fund is an enterprise fund and needs to stand on its own, that a catastrophic event could deplete the fund and noted the City Council established a minimum balance of \$2 million in the account.

Administrative Services Director Bradley also stated if there is an immediate issue and there are no funds, an option is to issue bonds.

With regard to the probability of having a big hit to the sewer fund, Public Works Director Levien stated he does not see a big change in risk. He spoke about the efforts made to monitor and maintain the sewer system. He also stated a revenue study and modeling report will be presented to City Council in January and by March City Council will establish the rates. He stressed he is committed to keeping the \$2 million in reserves.

Councilmember Patton and Mayor Dedina complimented Administrative Services Director Bradley for his efforts.

City Manager Hall congratulated the current and previous City Councils for spending within their means. As a result, there is no debt in the General Fund or the Sewer Fund.

**MOTION BY PATTON, SECOND BY SPRIGGS, TO RECEIVE THE FISCAL YEAR 2015 AUDIT. MOTION CARRIED UNANIMOUSLY.**

**5.3 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2016. (0410-50)**

City Manager Hall reported the Mayor represents the City on all regional boards unless otherwise determined by the City Council and noted the difficulty for one person to represent the City in all assignments. He stated there is a recommendation from the Mayor to have each of the Councilmembers represent the City as listed in the staff report.

City Attorney Lyon stated Councilmembers are voting to appoint themselves to commissions with some having a stipend. Under the Conflict of Interest regulations if the City posts a Form 806 on its website, Councilmembers are allowed to remain at the dais, participate in discussion, and vote on the appointments. The Form 806 was posted to the City's website and the proposed appointments were in the agenda packet that was posted last week.

Mark West, Chair of Surfrider San Diego, stated Surfrider supports having Mayor Dedina as the representative to SANDAG and he expressed concern about Imperial Beach's representation over the past year.

Mayor Pro Tem Bilbray stated although most members of SANDAG Board are Mayors, they typically have a few years of service on City Councils and expressed apprehension of having a junior member of City Council as the SANDAG representative. He thanked the Mayor for the Metro Wastewater JPA appointment. He stated he would move to have Councilmember Patton remain as the SANDAG representative if he is able to attend the meetings with Mayor Dedina as the 1<sup>st</sup> Alternate.

Councilmember Patton stated he cannot make the meetings.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT THE REPRESENTATION ASSIGNMENTS AS RECOMMENDED (ATTACHMENT 1 OF THE STAFF REPORT).**

City Council discussion.

Mayor Pro Tem Bilbray left Council Chambers at 7:38 p.m. and returned at 7:40 p.m.

In response to Councilmember Bragg's question about the process for making the representation assignment selections, Mayor Dedina stated it's an opportunity to have other members serve on committees that reflect their interests and he also spoke about why he selected himself to serve as the primary representative on SANDAG.

Councilmember Bragg spoke about the importance of each Councilmember reporting back to City Council on what transpired at regional meetings. She stressed the need to show a unified front and when representing Imperial Beach they should strategically place themselves to get the most input and reaction. She further stated that based on advocacy by the League of California Cities, that when appointments are made, appointees should remain on boards to allow time to foster relationships. She suggested looking at this issue in the future as some appointments may need to be more than just one year.

Councilmember Patton stated he missed one SANDAG meeting and that comments from the public are hearsay, subjective and wrong. He spoke about the positive relationship he has with the other SANDAG Boardmembers and expressed disappointment for not being reappointed to the board. He enjoyed the role he had on the SANDAG Board, he will miss it and he did his job. He also stated that he does not want to hear anybody say he did not do his job and if someone does, colleagues who know should stick up for him.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT THE REPRESENTATION ASSIGNMENTS AS RECOMMENDED (ATTACHMENT 1 OF THE STAFF REPORT). MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, DEDINA**  
**NOES: COUNCILMEMBERS: PATTON**  
**ABSENT: COUNCILMEMBERS: NONE**

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)**

None.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

**ADJOURN REGULAR MEETING**

Mayor Dedina adjourned the Regular Meeting at 7:45 p.m.

\_\_\_\_\_/s/  
Serge Dedina,  
Mayor

\_\_\_\_\_/s/  
Jacqueline M. Hald, MMC  
City Clerk